

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Charles E. Lafity,
Plaintiff,

vs.

Warden M.M. Mitchell, Inmate Wallace,
Employee R. Evans,
Defendants.

C.A. No.: 3:10-2572-RBH

ORDER

Plaintiff, proceeding *pro se*,¹ filed this action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 397 (1971). This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in

¹ At the time of the alleged incidents, Plaintiff was incarcerated at the Federal Correctional Institution in Edgefield, South Carolina. However, Plaintiff has since been released from incarceration and now resides in Morgantown, West Virginia. *See* Non-Prisoner Complaint [Docket Entry 1] at 2; *see also* Address on Docket.

part, the recommendation of the Magistrate Judge or recommit the matter with instructions.
See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that the motion to dismiss or for summary judgment of Defendants Mitchell and Evans [Docket Entry 20] is **granted**. It is further ordered that Defendant Wallace is **dismissed** from this action sua sponte.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
December 20, 2011